

Amendments to the Drawings:

FIGS. 5 and 6 have been corrected to add reference numeral "41" as discussed and agreed to by the Examiner in the interview of August 25, 2004. Attached in Appendix A are the marked-up drawings with red-ink annotations for approval by the Examiner, and a clean copy including the proposed corrections. Previously approved corrections from Applicant's March 31, 2004 Amendment are also included.

REMARKS/ARGUMENTS

Claims 41 through 65 are pending in this application. Claims 64 and 65 are added to this application. The Office Action objects to claims 60 and 61 as dependent upon a rejected base claim, but allowable if rewritten in independent form. For the reasons described below, the pending claims are allowable.

Applicant appreciates the opportunity provided by the Examiner for the telephone interview of August 25, 2004 to clarify the issues in the outstanding Office Action. In accordance with that interview, Applicant submits the following.

The Office Action objects to the drawings asserting that there is an omitted feature. Proposed corrections have been made to FIGS. 5 and 6 to include reference numeral 41 for the tapered portion which is clearly shown in the drawings, including FIGS. 5 and 6, as agreed by the Examiner in the telephone interview.

The Office Action rejects claims 41, 48, 51, 58, and 60 through 62 under the non-statutory, obviousness-type double patenting rejection as being unpatentable over claims 1 through 4, 12 through 14, 25 through 26, 29 through 30 and 31 of Renz (U.S. Patent No. 6,616,319 B2). Upon allowance of the claimed subject matter, a terminal disclaimer will be filed.

The Office Action rejects claims 41 through 63 under 35 U.S.C. §112, first paragraph, asserting that the application fails to comply with the written description requirement by claiming subject matter not described in the specification. As agreed to in the August 25, 2004 telephone interview and reflected in the subsequent Interview Summary, the figures

provide support for the annular wall having at least a portion that is tapered and has been amended accordingly. Thus, support is provided in the disclosure for this feature of claims 41 through 63. Thus, Applicant respectfully requests that this rejection be withdrawn.

The Office Action rejects claims 41 through 47, 50 through 57, and 62 through 63 under 35 U.S.C. §102(b) as being anticipated by Tseng (U.S. Patent No. 5,788,369). Tseng fails to disclose or suggest the elements of claims 41 through 47, 50 through 57, and 62 through 63.

Independent claim 41 includes an annular wall forming a hole and having at least a portion that is tapered towards the longitudinal axis of the hole. Independent claim 51 includes an annular wall defining a hole with a longitudinal axis, and the annular wall having at least a portion that is tapered towards the longitudinal axis. Tseng fails to disclose or suggest either of these elements.

Tseng shows a mixing element usable with a baby bottle. The mixing element is shown in two embodiments, which both have a fastening ring (161 and 161'). The fastening rings, as shown clearly in FIGS. 3 and 8, have vertical walls that do not have at least a portion that is tapered towards the longitudinal axis. Moreover, Tseng teaches away from such tapering because the outer face of the fastening ring is used to secure the mixing element in place. In the first embodiment of FIG. 3, threads 162 are on the vertical outer face. In the second embodiment of FIG. 8, the outer face abuts against the affixing ring.

The Office Action relied upon Tseng absent the feature of the annular wall having at least a portion tapered towards the longitudinal axis. As discussed earlier and agreed to in the telephone interview, there is support for this feature in the original disclosure in this application.

Claims 42 through 47, and 50, and claims 52 through 57, and 62 through 63 depend from claims 41 and 51, respectively, and, thus, are also not anticipated.

The Office Action rejects claims 41 through 59, and 63 under 35 U.S.C. §102(b) as being anticipated by Swett et al. (U.S. Patent No. 3,820,692). Swett fails to disclose or suggest the elements of claims 41 through 59, and 63.

As stated before, independent claim 41 includes an annular wall forming a hole and having at least a portion that is tapered towards the longitudinal axis of the hole. Independent claim 51 an annular wall defining a hole with a longitudinal axis, and the annular wall having at least a portion that is tapered towards the longitudinal axis. Swett fails to disclose or suggest either of these elements.

Swett shows a blending element usable with a blender. The blending element has a horizontal annular wall member 33, which is shown clearly in FIG. 7. The annular wall member 33 is seated upon a ledge 16 of the vessel. Swett does not disclose or suggest an annular wall forming a hole and having at least a portion that is tapered towards the longitudinal axis of the hole, as in claim 41, or an annular wall defining a hole with a longitudinal axis, and the annular having at least a portion that is tapered towards the longitudinal axis, as in claim 51.

The Office Action relied upon Swett absent the feature of the annular wall having at least a portion tapered towards the longitudinal axis. As discussed earlier and agreed to in the telephone interview, there is support for the feature in this application.

Claims 42 through 50, and claims 52 through 59, and 63, depend from claims 41 and 51, respectively, and, thus, are also not anticipated.

The Office Action rejects claims 41 through 47, and 50 under 35 U.S.C. §102 as being anticipated by Reichner (U.S. Patent No. 1,075,119). Reichner fails to disclose or suggest the elements of claims 41 through 47, and 50.

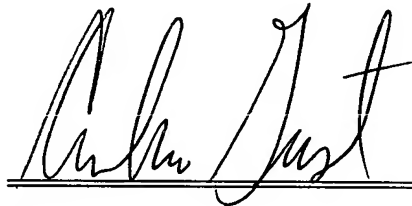
Again, independent claim 41 includes the element of an annular wall forming a hole and having at least a portion that is tapered towards the longitudinal axis of the hole.

Reichner shows a container having a juice extracting device 11 with a base 12. The base 12, as shown clearly in FIGS. 4 and 5, has a vertical annular wall that does not have at least a portion that is tapered towards the longitudinal axis.

The Office Action relied upon Reichner absent the feature of the annular wall having at least a portion tapered towards the longitudinal axis. As discussed earlier and agreed to in the telephone interview, there is support for the feature in this application.

Claims 42 through 47, and 50 depend from claim 41, and, thus, are also not anticipated.

In view of the foregoing, applicant respectfully submits that all claims present in this application are patentable over the cited prior art. Accordingly, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

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APPENDIX A

Annotated Marked-up Drawings

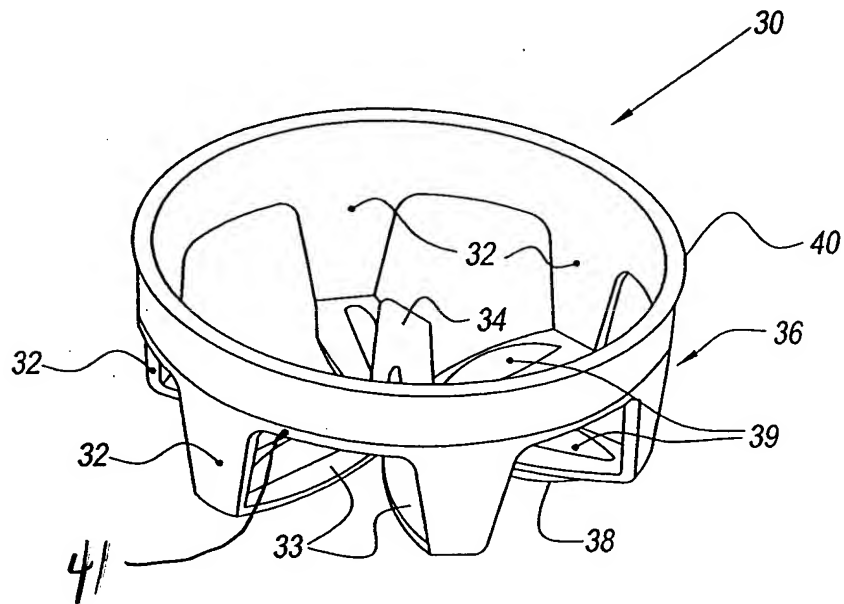


FIG. 5

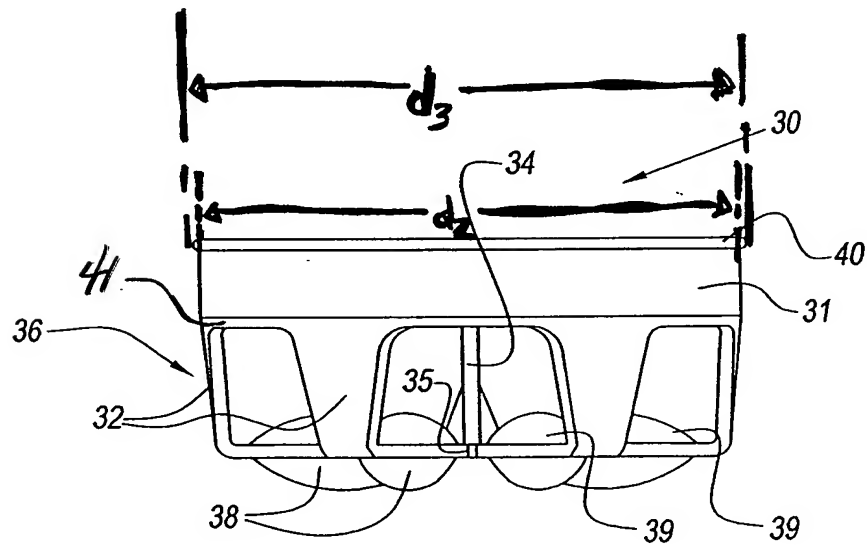


FIG. 6